REMARKS

Claims 1-84 are pending. Claims 26, 40-66 and 71 are withdrawn from consideration pending allowance of a generic claim. Claims 1-25, 27-39, 67-70 and 72-79 are rejected. Claim 80 has been added. Support for the added claim can be found in the originally-filled specification. No new matter has been introduced. Examination and reconsideration of all pending claims are respectfully requested.

Summary of Examiner Telephone Interview

A telephone interview was conducted on February 19, 2003, between Examiner Vi X. Nguyen and Applicants' representatives Craig Wong and Brad Loos. Independent claims 1 and 31 were primarily discussed in view of the cited art. Although no agreement with the Examiner was reached, Applicants believe the claims are allowable for at least the reasons stated below.

Rejection of Claims Under 35 U.S.C. § 102(e)

Claims 1-25, 27-39, 67-70 and 72-74, 76-78 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Ressemann et al. (U.S. 5,897,567).

Claim 1 recites an assembly for crossing occlusive or stenotic material. The assembly comprises "a guidewire comprising an axial passage" and "a drive shaft rotatably and translatably extending through the axial passage of the guidewire".

Figures 2 and 3 of the present application exemplify an exemplary configuration that includes a hollow guidewire [14] with an elongated shaft which defines an axial lumen [20] that receives the drive shaft [22]. The drive shaft recited in claim 1 is located inside the axial passage of the guidewire.

In contrast, Ressemann et al. describes "a hollow drive shaft which extends axially through the catheter assembly" (Column 6, lines 60-61). As recited in column 9, lines 8-9, Ressemann et al. states "The guidewire [42] is disposed through the drive shaft [26]..." For example, Figure 23 of Ressemann et al. shows an inner [312] and an outer [314] drive shaft in which a guidewire [288] extends through the center of the inner drive shaft. Ressemann et al. does not describe or suggest the configuration of

claim 1 in which a drive shaft extends through the axial passage of the guidewire. For at least the reasons stated above, claim 1 and its dependent claims 2-19 are patentable over the cited art.

Claim 20 recites a guidewire system for passing through an occlusion or stenosis. The system comprises (in part) "a hollow guidewire having a steerable distal end, a proximal end, and a lumen therebetween" and "a drive shaft movably disposed within the hollow guidewire". For reasons similar to those set forth in regard to the assembly described in claim 1, the guidewire system described in claim 20 is patentable over the cited art. Claims 21-30 depend from claim 20 and are allowable for at least the same reasons.

Claim 31 recites a system for crossing an occlusion or stenosis within a body lumen. The system comprises (in part) an elongate member having "an axial passage" and a "drive shaft rotatably and translatably receivable in the axial passage of the elongate member". For reasons similar to those set forth in regard to the assembly described in claim 1, the system described in claim 31 is patentable over the cited art. Claims 32-39 depend from claim 31 and are allowable for at least the same reasons.

Claim 67 recites a kit comprising (in part) "a hollow guidewire having an axial passage" and "a rotatable drive shaft having a shaped distal tip, the rotatable drive shaft being removably received within the passage of the hollow guidewire". For at least the reasons to those set forth in regard to claim 1, the kit described in claim 67 is patentable over the cited art. Claims 68-74 and 76-78 depend from claim 67 and are allowable for at least the same reasons.

Rejection of Claims Under 35 U.S.C. § 103(a)

Claims 75 and 79 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ressemann et al. in view of Noriega (U.S. 6,059,767).

Claims 75 and 79 depend from allowable independent claim 67 and are allowable for at least the same reasons.

Added Claim

To further claim the novel aspects of the present invention, Applicants have added claim 80 which recites an assembly for crossing occlusive or stenotic material. The system comprises "a guidewire comprising an axial passage; and a drive shaft movably extending through the axial passage of the guidewire; wherein the drive shaft comprises a distal tip that extends beyond the guidewire to create a path through the occlusive or stenotic material." The cited art does not describe or suggest the configuration of claim 80.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is urged.

If the Examiner believes a telephone conference would aid in the prosecution of this case in any way, please call the undersigned at 650-326-2400.

Respectfully submitted,

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